IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

RCRev..No. 217 of 2007

RCA.117/2000 of RENT CONTROL APPELLATE AUTHORITY, THALASSERY
RCP.24/1998 of RENT CONTROL COURT, KANNUR

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PETITIONER/APPELLANT/RESPONDENT:

THACHAKANDY KUNIYIL ABDUL SALAM,
S/O. SULAIMAN HAJI, TEEKEY GLASS HOUSE,
SOUTH BAZAR, KANNUR-2.

BY ADV. SRI.T.G.RAJENDRAN
SRI.CIBI THOMAS

RESPONDENT/RESPONDENT/PETITIONER:

V. IBRAHIM, S/O. KADER KUNHI,
VELIKKAKATH HOUSE, NEERCHAL,
KANNUR-3.

BY SRI.M.K.SUMOD-CAVEATOR

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.Koshy & K.P.Balachandran, JJ.

R.C.R..No. 217 of 2007

ORDER

Balachandran, J.

The tenant, against whom concurrent orders of eviction have been passed by the authorities below under Sections 11(3), 11(4)(iii) and 11(4)(v) of the Kerala Buildings (Lease and Rent Control Act), 1965 (hereinafter referred to as 'the Act), is the revision petitioner. Though the counsel for the petitioner made strenuous attempts to contend that grounds exist for this Court to interfere in revision in the concurrent orders of eviction passed by the authorities below, we are not convinced that grounds exist to enable us to interfere in revision, as there is no irregularity, illegality or impropriety in the findings arrived at concurrently by the authorities below. This revision, in the circumstances, is devoid of merit and deserves to be dismissed.

2. Finally, it is urged by the counsel for the petitioner that reasonable time may be granted to the petitioner to surrender vacant possession of the scheduled building to the respondent/ landlord, so as to enable him to shift to other premises. The request so made on behalf of the petitioner is reasonable and deserves to be considered favourably.

In the result, we dismiss this Rent Control Revision. At the same time, we grant the petitioner time till 31.12.2007 to surrender vacant possession of the scheduled building to the respondent/ landlord on the following conditions:

i. that he shall deposit the entire arrears of rent, if any, in the execution court with a detailed statement as to its correctness within three weeks from today.

ii. that he shall file an affidavit before the execution court within one month from today, reporting that all arrears of rent are cleared and

unconditionally undertaking that he will surrender vacant possession of the scheduled building to the respondent/landlord positively on or before 31.12.2007 and that he will continue to pay the monthly rents on the due dates itself till he actually surrenders vacant possession of the scheduled building to the respondent/landlord and

iii. that in case the petitioner fails to comply with the above conditions, he shall not be entitled to the benefit of continuing in occupation of the scheduled building till 31.12.2007 and shall be liable to be evicted immediately on the expiry of the aforesaid one month in execution of the order of eviction passed against him.

(J.B.Koshy, Judge)

13th July, 2007

(K.P.Balachandran, Judge)

tkv